



Your Missouri Courts

Search for Cases by: [Judicial Links](#) | [eFiling](#) | [Help](#) | [Contact Us](#) | [Print](#)[GrantedPublicAccess](#) [Logoff ANDREWKINGHORN](#)**20SL-CC02988 - ALEXANDREA FRASER V AMERICAN PUB LLC (E-CASE)**

Case Header	Parties & Attorneys	Docket Entries	Charges, Judgments & Sentences	Service Information	Filings Due	Scheduled Hearings & Trials	Civil Judgments	Garnishments/ Execution
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[Click here to Respond to Selected Documents](#)☐ Ascending07/15/2020 ☐ [Notice](#)07/02/2020 ☐ [Alias Summons Issued](#)

Document ID: 20-SMCC-5913, for AMERICAN PUB LLC. Summons Attached in PDF Form for Attorney to Retrieve from Secure Case.Net and Process for Service.

06/29/2020 ☐ [Order for Change of Judge](#)

PLAINTIFF'S MOTION FOR CHANGE OF JUDGE IS GRANTED. COPIES SENT ELECTRONICALLY TO THE ATTYs. SO ORDERED: JUDGE DEAN P. WALDEMER - DIV. 8

Associated Entries: 06/02/2020 - [Motion for Change of Judge](#) ±☐ [Judge Assigned](#)

The Above Cause is Assigned to Division __9__, By Order of the Presiding Judge, For Hearing and Determination. Notice Mailed This Day to Parties of Record and Copy Filed.

06/25/2020 ☐ [Alias Summons Requested](#)

Alias Summons Request.

Filed By: MICHELLE KATHERINE FARON

On Behalf Of: ALEXANDREA FRASER

06/02/2020 ☐ [Motion for Change of Judge](#)

Request for Change of Judge.

Filed By: MICHELLE KATHERINE FARON

On Behalf Of: ALEXANDREA FRASER

Associated Entries: 06/29/2020 - [Order for Change of Judge](#) ±☐ [Summons Issued-Circuit](#)

Document ID: 20-SMCC-5098, for AMERICAN PUB LLC. Summons Attached in PDF Form for Attorney to Retrieve from Secure Case.Net and Process for Service.

05/29/2020 ☐ [Filing Info Sheet eFiling](#)

Filed By: MICHELLE KATHERINE FARON

☐ [Request Filed](#)

Summons Request.

Filed By: MICHELLE KATHERINE FARON

On Behalf Of: ALEXANDREA FRASER

☐ [Pet Filed in Circuit Ct](#)

Petition for Damages.

☐ [Judge Assigned](#)

DIV 8

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
STATE OF MISSOURI
CIRCUIT CIVIL DIVISION

ALEXANDREA FRASER,)	
)	
Plaintiff,)	
)	Cause No.
v.)	
)	Division
AMERICAN PUB LLC D/B/A TGIFriday's)	
)	
Defendant.)	Jury Trial Demanded
)	
Serve Registered Agent at:)	
CSC-LAWYERS)	
INCORPORATING SERVICE)	
COMPANY)	
221 Bolivar Street)	
Jefferson City, MO 65101)	

PETITION FOR DAMAGES

COMES NOW Plaintiff Alexandra Fraser (hereinafter “***Plaintiff***”), by and through her undersigned counsel, and hereby initiates suit against Defendant, American Pub LLC d/b/a TGIFriday’s (hereinafter “***Defendant***”). For her cause of action, Plaintiff alleges the following:

PARTIES

1. Plaintiff is a female citizen of the United States of America residing in Jefferson County, Missouri.
2. Defendant is a Limited Liability Company, operating in good standing in Saint Louis County, Missouri.

JURISDICTION AND VENUE

3. Plaintiff worked for Defendant out of Defendant’s restaurant located at 5262 S Lindbergh Blvd., St. Louis, MO 63126.

4. This court has jurisdiction over this matter, and venue is proper, because all matters in case and controversy herein therefore effectively took place within the bounds of St. Louis County, Missouri, and because Plaintiff's claim is brought exclusively under Missouri state law.

FACTS

5. Defendant hired Plaintiff as a server in or about July 2006.

6. Throughout her employment, Plaintiff was a good employee who worked her way up to manager, where she made fifteen dollars an hour.

7. In March of 2018, at Plaintiff's request, Plaintiff transferred to the position of server, where she was to be paid \$4.73 per hour plus tips.

8. In June of 2018, Plaintiff noticed that she was being paid \$15 per hour and notified her manager that she was still being paid at the manager rate and had been paid at the rate of \$15 per hour from March 20, 2018 to May 28, 2018.

9. On or about June 19, 2018, Plaintiff received her paystub and noticed that all of her wages had been deducted from her pay, leaving her with only the tips.

10. Plaintiff asked about the reduction of wages and was told that she had to repay all of the wages she had received for the five pay periods that she was incorrectly paid \$15.00 per hour.

11. Plaintiff requested an accounting of the amounts that she supposedly owed and never received a statement.

12. Since June 19, 2018, Plaintiff has not received wages for the time that she has worked, only her tips, as the employer has continuously deducted her wages, claiming it was employee reimbursement.

13. Since June 19, 2018, Plaintiff has not received a statement of what she owes for but has had her wages unilaterally deducted from her paychecks.

14. Plaintiff has been told that she should not ask for an accounting of what is owed and that she actually owes money for bonuses paid approximately six months before the discrepancy, when she was still a manager.

15. Defendant agreed to pay Plaintiff \$15 an hour for work she completed prior to March 20, 2018.

16. Defendant agreed to pay Plaintiff a bonus in November of 2018.

17. Defendant agreed to pay Plaintiff \$4.73 an hour plus tips for work she completes as a server after April 2018.

18. Defendant controlled all aspects of the working relationship.

19. Defendant instructed Plaintiff which hours to work and what tasks to perform at the job site. Plaintiff has no control over how much money she could make.

20. Plaintiff submitted regular time sheets. However, Defendant failed to pay Plaintiff for any wages she earned, only for her tips.

21. On one or more occasions, Defendant failed to pay Plaintiff for all hours worked at the agreed hourly rate.

22. Plaintiff believes, though cannot confirm as Defendant denies her any type of accounting for any alleged money owed, that the amount she owed for an overpayment of wages was \$1,542.70.

23. Plaintiff believes, though cannot confirm as Defendant denies her any type of accounting for any alleged money owed, that the amount she has paid for any reimbursement is \$3,024.34.

24. By withholding funds for employee reimbursement from Plaintiff's payroll, Defendant took and deprived Plaintiff of the full value of her earned wages.

25. Defendant enjoys ill-gained profits at the expense of Plaintiff.

COUNT I BREACH OF CONTRACT

26. All previous paragraphs are incorporated as though fully set forth herein.

27. Defendant and Plaintiff agreed to pay Plaintiff a bonus in November of 2017.

28. In March of 2018, Plaintiff and Defendant agreed that she would be compensated at a rate of \$4.73 per hour plus tips for her manual work as a laborer.

29. Plaintiff works for Defendant as a server but is not compensated at her agreed-upon rate.

30. Plaintiff met all conditions precedent to the parties' agreement.

31. The failure to pay Plaintiff these rates due and owing has resulted in damage to Plaintiff.

WHEREFORE, Plaintiff demands judgment against Defendant and pray for: (1) compensatory damages; (2) pre-judgment and post-judgment interest; (3) costs and attorneys' fees; and (4) for such other and further relief as the Court shall deem just and proper.

COUNT II QUANTUM MERUIT

32. All previous paragraphs are incorporated as though fully set forth herein.

33. Plaintiff confers a benefit upon Defendant by working on its behalf without full compensation.

34. Defendant has an appreciation or knowledge of the benefit conferred by Plaintiff.

35. Defendant accepted and retained the benefit under such circumstances as to make it inequitable for Defendant to retain the benefit without payment of its value.

36. Plaintiff was thereby damaged in an amount to be determined at trial.

37. WHEREFORE, Plaintiff demands judgment against Defendant and pray for: (1) compensatory damages; (2) pre-judgment and post-judgment interest; (3) costs and attorneys' fees; and (4) for such other and further relief as the Court shall deem just and proper.

COUNT III – UNJUST ENRICHMENT

38. Plaintiff re-alleges and incorporates herein by reference, as though fully set forth herein, all of the above numbered paragraphs.

39. Plaintiff employment with Defendant conferred a benefit upon the Defendant.

40. Defendant accepted a benefit of Plaintiff's work when she met the minimum requirements of her job duties for the defendant..

41. Between May 29, 2018 and present, Defendant has retained all of the money gained due to Plaintiff's actions mentioned in Paragraph 40 and failed to pay out for the full amount due to the Plaintiff's actions for the period.

42. Defendant's retention of these sums, consisting of earned bonuses, is inequitable under the circumstances.

43. Permitting the Defendant to retain these sums would unjustly benefit the Defendant and deprive Plaintiff of the money she earned by working for the Defendant.

44. Defendant seeks to recover the full amount of earned commissions, as well as associated damages and interest as permitted under Missouri law.

45. Defendant's violation was knowing, willful, and wanton, and deserving of an award for punitive damages assessed against Defendant.

WHEREFORE, Plaintiff prays the court enter judgment in her favor and against Defendant for the full amount of unpaid earned compensation, as described above, and specifically due to Defendant's purposeful disregard for the law, improper motive, and repeatedly engaging in wrongful withholding of compensation, seeks reasonable attorney's fees, the costs of litigation, punitive damages, and all other relief the Court deems just and proper.

COUNT IV CONVERSION

46. All previous paragraphs are incorporated as though fully set forth herein.

47. At the time of employment, Defendant advised Plaintiff that she was an employee.

48. Plaintiff earned wages from Defendant and earned correlated rights and interests in wages that they claim she owes for them, Defendant withheld amounts from Plaintiff's wages, but Defendant has received more than any overpayment Defendant may have made for Plaintiff's work between March 20, 2018 and May 28, 2018.

49. Plaintiff is the rightful owners of her earned wages.

50. By withholding portions of Plaintiff's wages for an alleged "employee reimbursement" without providing an accounting and by taking more than what even is allegedly owed, Defendant took possession of Plaintiff's property with the intent to exercise control over that property.

51. The Defendant thereby deprived Plaintiff of the right to possession in Plaintiff's property.

WHEREFORE, Plaintiff demands judgment against Defendant and pray for: (1) compensatory damages; (2) pre-judgment and post-judgment interest; (3) costs; (4) punitive damages in amounts fair and just so as to punish and deter Defendant; and (5) for such other and further relief as the Court shall deem just and proper.

COUNT V VIOLATION OF MO. REV. STAT. § 290.100

52. Plaintiff re-alleges and incorporates herein by reference, as though fully set forth herein, all of the above numbered paragraphs.

53. At all times relevant, Plaintiff has been entitled to the rights, protections and benefits provided under Missouri law of contracts and Mo. Rev. Stat. § 290.100.

54. Defendant has violated both the contractual rights of Plaintiff and Mo. Rev. Stat. § 290.100 by unilaterally and without notice decreasing her compensation rate.

55. Plaintiff is the victim of Defendant's practice of not paying all agree-upon compensation owed.

56. As the direct result of Defendant's conduct, Plaintiff has been deprived of, and is entitled to, wages and compensation and additional damages under Mo. Rev. Stat. § 290.100 against Defendant in amounts to be determined at trial, together with pre-judgment interest, post-judgment interest, and costs of this action.

WHEREFORE, Plaintiff prays the court enter judgment in her favor and against Defendant on the breach of contract and Mo. Rev. Stat. § 290.100, claim, cost of this litigation, pre-judgment interest and post-judgment interest, and any such other relief as the Court deems fair and equitable.

DEMAND FOR JURY TRIAL

Plaintiff requests a trial by jury, in the Circuit Court of St. Louis County, Missouri on all counts and allegations of wrongful conduct alleged in this Petition.

Respectfully Submitted,

McMichael, Logan, Schaeffer, & Gilpin

By: /s/ Michelle K. Faron
Michelle K. Faron, 68058
12166 Old Big Bend Rd., Suite 99
Kirkwood, MO 63122
(636) 532-1400 Office
(636) 532-2857 Facsimile
michelle@mcmichael-logan.com
Attorneys for Plaintiffs

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
STATE OF MISSOURI
CIRCUIT CIVIL DIVISION

ALEXANDREA FRASER,)	
)	
Plaintiff,)	
)	Cause No.
v.)	
)	Division
AMERICAN PUB LLC D/B/A TGIFriday's)	
)	
Defendant.)	Jury Trial Demanded
)	
Serve Registered Agent at:)	
CSC-LAWYERS)	
INCORPORATING SERVICE)	
COMPANY)	
221 Bolivar Street)	
Jefferson City, MO 65101)	

SUMMONS REQUEST

COMES NOW, Plaintiff, and respectfully requests a summons be issued. To serve the Petition upon Defendant American Pub LLC at their registered agent CSC-Lawyers Inc. 221 Bolivar Street Jefferson City, MO 65101; by the Sheriff of Cole County.

Respectfully Submitted,

McMichael, Logan, Schaeffer, & Gilpin

By: /s/ Michelle K. Faron
Michelle K. Faron, 68058
12166 Old Big Bend Rd., Suite 99
Kirkwood, MO 63122
(636) 532-1400 Office
(636) 532-2857 Facsimile
michelle@mcmichael-logan.com
Attorneys for Plaintiffs



IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: DEAN PAUL WALDEMER	Case Number: 20SL-CC02988
Plaintiff/Petitioner: ALEXANDREA FRASER	Plaintiff's/Petitioner's Attorney/Address MICHELLE KATHERINE FARON 307 HENRY STREET SUITE 415 PO BOX 725 ALTON, IL 62002
Defendant/Respondent: AMERICAN PUB LLC DBA: TGIFRIDAY'S	Court Address: ST LOUIS COUNTY COURT BUILDING 105 SOUTH CENTRAL AVENUE CLAYTON, MO 63105
Nature of Suit: CC Breach of Contract	(Date File Stamp)

Summons in Civil Case

The State of Missouri to: AMERICAN PUB LLC
DBA: TGIFRIDAY'S

REG. AGENT: CSC-LAWYERS INC.
221 BOLIVAR STREET
JEFFERSON CITY, MO 65101

COURT SEAL OF



ST. LOUIS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

SPECIAL NEEDS: If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739, email at SLCADA@courts.mo.gov, or through Relay Missouri by dialing 711 or 800-735-2966, at least three business days in advance of the court proceeding.

02-JUN-2020

Date

Further Information:
AD

Jean P. Dilley
Clerk

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____ a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).
- ☐ other _____.

Served at _____ (address)
in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal)

Subscribed and sworn to before me on _____ (date).

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00 _____

Mileage \$ _____ (_____ miles @ \$._____ per mile)

Total \$ _____

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

Twenty First Judicial Circuit

NOTICE OF ALTERNATIVE DISPUTE RESOLUTION SERVICES

Purpose of Notice

As a party to a lawsuit in this court, you have the right to have a judge or jury decide your case. However, most lawsuits are settled by the parties before a trial takes place. This is often true even when the parties initially believe that settlement is not possible. A settlement reduces the expense and inconvenience of litigation. It also eliminates any uncertainty about the results of a trial.

Alternative dispute resolution services and procedures are available that may help the parties settle their lawsuit faster and at less cost. Often such services are most effective in reducing costs if used early in the course of a lawsuit. Your attorney can aid you in deciding whether and when such services would be helpful in your case.

Your Rights and Obligations in Court Are Not Affected By This Notice

You may decide to use an alternative dispute resolution procedure if the other parties to your case agree to do so. In some circumstances, a judge of this court may refer your case to an alternative dispute resolution procedure described below. These procedures are not a substitute for the services of a lawyer and consultation with a lawyer is recommended. Because you are a party to a lawsuit, you have obligations and deadlines which must be followed whether you use an alternative dispute resolution procedure or not. **IF YOU HAVE BEEN SERVED WITH A PETITION, YOU MUST FILE A RESPONSE ON TIME TO AVOID THE RISK OF DEFAULT JUDGMENT, WHETHER OR NOT YOU CHOOSE TO PURSUE AN ALTERNATIVE DISPUTE RESOLUTION PROCEDURE.**

Alternative Dispute Resolution Procedures

There are several procedures designed to help parties settle lawsuits. Most of these procedures involve the services of a neutral third party, often referred to as the “neutral,” who is trained in dispute resolution and is not partial to any party. The services are provided by individuals and organizations who may charge a fee for this help. Some of the recognized alternative dispute resolutions procedures are:

(1) Advisory Arbitration: A procedure in which a neutral person or persons (typically one person or a panel of three persons) hears both sides and decides the case. The arbitrator’s decision is not binding and simply serves to guide the parties in trying to settle their lawsuit. An arbitration is typically less formal than a trial, is usually shorter, and may be conducted in a private setting at a time mutually agreeable to the parties. The parties, by agreement, may select the arbitrator(s) and determine the rules under which the arbitration will be conducted.

(2) Mediation: A process in which a neutral third party facilitates communication between the parties to promote settlement. An effective mediator may offer solutions that have not been considered by the parties or their lawyers. A mediator may not impose his or her own judgment on the issues for that of the parties.

CCADM73

(3) Early Neutral Evaluation (“ENE”): A process designed to bring the parties to the litigation and their counsel together in the early pretrial period to present case summaries before and receive a non-binding assessment from an experienced neutral evaluator. The objective is to promote early and meaningful communication concerning disputes, enabling parties to plan their cases effectively and assess realistically the relative strengths and weaknesses of their positions. While this confidential environment provides an opportunity to negotiate a resolution, immediate settlement is not the primary purpose of this process.

(4) Mini-Trial: A process in which each party and their counsel present their case before a selected representative for each party and a neutral third party, to define the issues and develop a basis for realistic settlement negotiations. The neutral third party may issue an advisory opinion regarding the merits of the case. The advisory opinion is not binding.

(5) Summary Jury Trial: A summary jury trial is a non binding, informal settlement process in which jurors hear abbreviated case presentations. A judge or neutral presides over the hearing, but there are no witnesses and the rules of evidence are relaxed. After the “trial”, the jurors retire to deliberate and then deliver an advisory verdict. The verdict then becomes the starting point for settlement negotiations among the parties.

Selecting an Alternative Dispute Resolution Procedure and a Neutral

If the parties agree to use an alternative dispute resolution procedure, they must decide what type of procedure to use and the identity of the neutral. As a public service, the St. Louis County Circuit Clerk maintains a list of persons who are available to serve as neutrals. The list contains the names of individuals who have met qualifications established by the Missouri Supreme Court and have asked to be on the list. The Circuit Clerk also has Neutral Qualifications Forms on file. These forms have been submitted by the neutrals on the list and provide information on their background and expertise. They also indicate the types of alternative dispute resolution services each neutral provides.

A copy of the list may be obtained by request in person and in writing to: Circuit Clerk, Office of Dispute Resolution Services, 105 South Central Ave., 5th Floor, Clayton, Missouri 63105. The Neutral Qualifications Forms will also be made available for inspection upon request to the Circuit Clerk.

The List and Neutral Qualification Forms are provided only as a convenience to the parties in selecting a neutral. The court cannot advise you on legal matters and can only provide you with the List and Forms. You should ask your lawyer for further information.

CCADM73

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
STATE OF MISSOURI
CIRCUIT CIVIL DIVISION

ALEXANDREA FRASER,)	
)	
Plaintiff,)	
)	Cause No. 20SL-CC02988
v.)	
)	Division
AMERICAN PUB LLC D/B/A TGIFriday's)	
)	
Defendant.)	Jury Trial Demanded
)	

PLAINTIFF'S MOTION FOR CHANGE OF JUDGE

COMES NOW Plaintiff Alexandra Fraser, by and through its attorneys, and pursuant to Rule 51.05 of the Missouri Rules of Civil Procedure, respectfully requests a change of judge in the above-captioned matter.

WHEREFORE, Plaintiff requests this Court grant this Motion for Change of Judge, to reassign the case to another Judge for further proceedings, and for such other and further relief as the Court deems just and proper.

McMICHAEL, LOGAN, SCHAEFFER, & GILPIN

By: /s/ Michelle K. Faron
Michelle K. Faron, #68058
Attorneys for Plaintiff
12166 Old Big Bend Rd., Suite 99
Kirkwood, MO 63122
(636) 532-1400 Office
(888) 823-1441 Facsimile
michelle@mcmichael-logan.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on June 3, 2020, the foregoing was filed with the Clerk of this Court via the court's electronic filing system. Pursuant to Mo. R. Civ. P. 103.8, service on registered users will be accomplished by the electronic filing system.

/s/Michelle K. Faron

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
STATE OF MISSOURI
CIRCUIT CIVIL DIVISION

ALEXANDREA FRASER,)	
)	
Plaintiff,)	
)	Cause No. 20SL-CC02988
v.)	
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McMICHAEL, LOGAN, SCHAEFFER, & GILPIN

By: /s/ Michelle K. Faron
Michelle K. Faron, #68058
Attorneys for Plaintiff
12166 Old Big Bend Rd., Suite 99
Kirkwood, MO 63122
(636) 532-1400 Office
(888) 823-1441 Facsimile
michelle@mcmichael-logan.com

SO ORDERED:



Judge Division 8
June 29, 2020

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/s/Michelle K. Faron

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Plaintiff,)	
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v.)	
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AMERICAN PUB LLC D/B/A TGIFriday's)	
)	
Defendant.)	Jury Trial Demanded
)	
Serve Registered Agent at:)	
CSC-LAWYERS)	
INCORPORATING SERVICE)	
COMPANY)	
221 Bolivar Street)	
Jefferson City, MO 65101)	

ALIAS SUMMONS REQUEST

COMES NOW, Plaintiff, and respectfully requests an Alias Summons be issued for the service of the petition upon Defendant American Pub LLC D/B/A TGIFriday's at their registered agent CSC-Lawyers located at 221 Bolivar Street, Jefferson City, MO 65101 to be served by the Sheriff of Cold County. As we were unable to have it served prior to the Summons expiration date.

Respectfully Submitted,

McMichael, Logan, Schaeffer, & Gilpin

By: /s/ Michelle K. Faron
Michelle K. Faron, 68058
12166 Old Big Bend Rd., Suite 99
Kirkwood, MO 63122
(636) 532-1400 Office
(636) 532-2857 Facsimile
michelle@mcmichael-logan.com
Attorneys for Plaintiffs

In the
CIRCUIT COURT
Of St. Louis County, Missouri



FILED
7/15/2020
JOAN M. GILMER
CIRCUIT CLERK
ST. LOUIS COUNTY

ALEXANDREA FRASER
Plaintiff

July 15, 2020
Date

vs.

20SL-CC02988
Case Number

AMERICAN PUB LLC
Defendant

DIV9
Division

CASE ASSIGNMENT MEMO

ASSIGNMENT TO ASSOCIATE CIRCUIT JUDGE

Pursuant to Local Rule 6.1, case __ assigned __ reassigned to Division for hearing and determination on the record under practices and procedures applicable before Circuit Judges; record to be made by electronic recording device.

POST CONVICTION RELIEF MOTION

Pursuant to Local Rule 67.7, case __ assigned __ reassigned to Division for hearing and determination.

X

ASSIGNMENT TO CIRCUIT JUDGE

Case __ assigned X reassigned to Division 9 for hearing and determination.

CASE SET FOR HEARING

Case set for hearing on _____ at _____.

SO ORDERED:

A handwritten signature in blue ink that reads "Michael D. Burton".

Honorable Michael D. Burton
Presiding Judge

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
STATE OF MISSOURI
CIRCUIT CIVIL DIVISION

ALEXANDREA FRASER,)	
)	
Plaintiff,)	
)	Cause No. 20SL-CC02988
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McMICHAEL, LOGAN, SCHAEFFER, & GILPIN

By: /s/ Michelle K. Faron
Michelle K. Faron, #68058
Attorneys for Plaintiff
12166 Old Big Bend Rd., Suite 99
Kirkwood, MO 63122
(636) 532-1400 Office
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michelle@mcmichael-logan.com

SO ORDERED:



Judge Division 8
June 29, 2020

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on June 3, 2020, the foregoing was filed with the Clerk of this Court via the court's electronic filing system. Pursuant to Mo. R. Civ. P. 103.8, service on registered users will be accomplished by the electronic filing system.

/s/Michelle K. Faron

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
STATE OF MISSOURI
CIRCUIT CIVIL DIVISION

ALEXANDREA FRASER,)	
)	
Plaintiff,)	
)	Cause No. 20SL-CC02988
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McMICHAEL, LOGAN, SCHAEFFER, & GILPIN

By: /s/ Michelle K. Faron
Michelle K. Faron, #68058
Attorneys for Plaintiff
12166 Old Big Bend Rd., Suite 99
Kirkwood, MO 63122
(636) 532-1400 Office
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on June 3, 2020, the foregoing was filed with the Clerk of this Court via the court's electronic filing system. Pursuant to Mo. R. Civ. P. 103.8, service on registered users will be accomplished by the electronic filing system.

/s/Michelle K. Faron



IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: DEAN PAUL WALDEMER	Case Number: 20SL-CC02988	(Date File Stamp)
Plaintiff/Petitioner: ALEXANDREA FRASER	Plaintiff's/Petitioner's Attorney/Address MICHELLE KATHERINE FARON 12166 OLD BIG BEN RD SUITE 99 KIRKWOOD, MO 63122	
Defendant/Respondent: AMERICAN PUB LLC DBA: TGIFRIDAY'S	Court Address: ST LOUIS COUNTY COURT BUILDING 105 SOUTH CENTRAL AVENUE CLAYTON, MO 63105	
Nature of Suit: CC Breach of Contract		

Summons in Civil Case

The State of Missouri to: AMERICAN PUB LLC

Alias:

DBA: TGIFRIDAY'S

REG. AGENT: CSC-LAWYERS INC.

221 BOLIVAR STREET

JEFFERSON CITY, MO 65101

COURT SEAL OF



ST. LOUIS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

SPECIAL NEEDS: If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739, email at SLCADA@courts.mo.gov, or through Relay Missouri by dialing 711 or 800-735-2966, at least three business days in advance of the court proceeding.

02-JUL-2020

Date

Further Information:

WAW

Clerk

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____ a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.

☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____

_____ (name) _____ (title).

☐ other _____.

Served at _____ (address)

in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal)

Subscribed and sworn to before me on _____ (date).

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00 _____

Mileage \$ _____ (_____ miles @ \$._____ per mile)

Total \$ _____

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

Twenty First Judicial Circuit

NOTICE OF ALTERNATIVE DISPUTE RESOLUTION SERVICES

Purpose of Notice

As a party to a lawsuit in this court, you have the right to have a judge or jury decide your case. However, most lawsuits are settled by the parties before a trial takes place. This is often true even when the parties initially believe that settlement is not possible. A settlement reduces the expense and inconvenience of litigation. It also eliminates any uncertainty about the results of a trial.

Alternative dispute resolution services and procedures are available that may help the parties settle their lawsuit faster and at less cost. Often such services are most effective in reducing costs if used early in the course of a lawsuit. Your attorney can aid you in deciding whether and when such services would be helpful in your case.

Your Rights and Obligations in Court Are Not Affected By This Notice

You may decide to use an alternative dispute resolution procedure if the other parties to your case agree to do so. In some circumstances, a judge of this court may refer your case to an alternative dispute resolution procedure described below. These procedures are not a substitute for the services of a lawyer and consultation with a lawyer is recommended. Because you are a party to a lawsuit, you have obligations and deadlines which must be followed whether you use an alternative dispute resolution procedure or not. **IF YOU HAVE BEEN SERVED WITH A PETITION, YOU MUST FILE A RESPONSE ON TIME TO AVOID THE RISK OF DEFAULT JUDGMENT, WHETHER OR NOT YOU CHOOSE TO PURSUE AN ALTERNATIVE DISPUTE RESOLUTION PROCEDURE.**

Alternative Dispute Resolution Procedures

There are several procedures designed to help parties settle lawsuits. Most of these procedures involve the services of a neutral third party, often referred to as the “neutral,” who is trained in dispute resolution and is not partial to any party. The services are provided by individuals and organizations who may charge a fee for this help. Some of the recognized alternative dispute resolutions procedures are:

(1) Advisory Arbitration: A procedure in which a neutral person or persons (typically one person or a panel of three persons) hears both sides and decides the case. The arbitrator’s decision is not binding and simply serves to guide the parties in trying to settle their lawsuit. An arbitration is typically less formal than a trial, is usually shorter, and may be conducted in a private setting at a time mutually agreeable to the parties. The parties, by agreement, may select the arbitrator(s) and determine the rules under which the arbitration will be conducted.

(2) Mediation: A process in which a neutral third party facilitates communication between the parties to promote settlement. An effective mediator may offer solutions that have not been considered by the parties or their lawyers. A mediator may not impose his or her own judgment on the issues for that of the parties.

CCADM73

(3) Early Neutral Evaluation (“ENE”): A process designed to bring the parties to the litigation and their counsel together in the early pretrial period to present case summaries before and receive a non-binding assessment from an experienced neutral evaluator. The objective is to promote early and meaningful communication concerning disputes, enabling parties to plan their cases effectively and assess realistically the relative strengths and weaknesses of their positions. While this confidential environment provides an opportunity to negotiate a resolution, immediate settlement is not the primary purpose of this process.

(4) Mini-Trial: A process in which each party and their counsel present their case before a selected representative for each party and a neutral third party, to define the issues and develop a basis for realistic settlement negotiations. The neutral third party may issue an advisory opinion regarding the merits of the case. The advisory opinion is not binding.

(5) Summary Jury Trial: A summary jury trial is a non binding, informal settlement process in which jurors hear abbreviated case presentations. A judge or neutral presides over the hearing, but there are no witnesses and the rules of evidence are relaxed. After the “trial”, the jurors retire to deliberate and then deliver an advisory verdict. The verdict then becomes the starting point for settlement negotiations among the parties.

Selecting an Alternative Dispute Resolution Procedure and a Neutral

If the parties agree to use an alternative dispute resolution procedure, they must decide what type of procedure to use and the identity of the neutral. As a public service, the St. Louis County Circuit Clerk maintains a list of persons who are available to serve as neutrals. The list contains the names of individuals who have met qualifications established by the Missouri Supreme Court and have asked to be on the list. The Circuit Clerk also has Neutral Qualifications Forms on file. These forms have been submitted by the neutrals on the list and provide information on their background and expertise. They also indicate the types of alternative dispute resolution services each neutral provides.

A copy of the list may be obtained by request in person and in writing to: Circuit Clerk, Office of Dispute Resolution Services, 105 South Central Ave., 5th Floor, Clayton, Missouri 63105. The Neutral Qualifications Forms will also be made available for inspection upon request to the Circuit Clerk.

The List and Neutral Qualification Forms are provided only as a convenience to the parties in selecting a neutral. The court cannot advise you on legal matters and can only provide you with the List and Forms. You should ask your lawyer for further information.

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In the
CIRCUIT COURT
Of St. Louis County, Missouri



FILED
7/15/2020
JOAN M. GILMER
CIRCUIT CLERK
ST. LOUIS COUNTY

ALEXANDREA FRASER
Plaintiff

July 15, 2020
Date

vs.

20SL-CC02988
Case Number

AMERICAN PUB LLC
Defendant

DIV9
Division

CASE ASSIGNMENT MEMO

ASSIGNMENT TO ASSOCIATE CIRCUIT JUDGE

Pursuant to Local Rule 6.1, case __ assigned __ reassigned to Division for hearing and determination on the record under practices and procedures applicable before Circuit Judges; record to be made by electronic recording device.

POST CONVICTION RELIEF MOTION

Pursuant to Local Rule 67.7, case __ assigned __ reassigned to Division for hearing and determination.

X

ASSIGNMENT TO CIRCUIT JUDGE

Case __ assigned X reassigned to Division 9 for hearing and determination.

CASE SET FOR HEARING

Case set for hearing on _____ at _____.

SO ORDERED:

A handwritten signature in blue ink that reads "Michael D. Burton".

Honorable Michael D. Burton
Presiding Judge